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**MINUTES OF THE COUNCIL AND GENERAL
COURT, 1622-1629**

(FROM THE ORIGINALS IN THE LIBRARY OF CONGRESS.)

(Continued.)

A Court at James Citty the 22th daie of January 1628. p^{re}sent.

Capt: ffrancis West. Esqr. Governo^r

Docto^r Pott:

Capt: Smyth:

M^r ffarrar.

It is ordered uppon the peticon of Dave Mynton against Bridges ffreeman, for beating and wounding him, that the said Bridges shall paye for curing the said Dave his wounds and for that it appeared that Dave Mynton gave very bad words to the said ffreeman and was in the most faulte the said Dave shall have noe remedy.

Uppon the peticon of John Southerne gent concerning the delyvery of a man servant by Nathaniell Jeffers unto the said M^r Southerne to serve him fower yeares, and for that it appeared uppon a bill shewed to the Co^{rt} that the said M^r Southerne was to have the said servante delyvered unto him at the feast day of S^t Thomas the Apostle [in] 1626 w^{ch} was not delyvered accordingly And for as much as the said Nathaniell Jeffers [has] dyvers servants heere in this Country And [the] said M^r Southerne is Content in satisfacon [of] the said bill to accepte of one of the said ser[vants] The Co^{rt} hath ordered that James Budworth one of the said servaunts having fower yeares to searve shall dwell wth the said M^r Southerne for two yeares and then bee freed M^r being content to accepte the same and p^{er}forme it accordingly.

Uppon the mocon of M^r Doctor Pott the Councell hath

thought fitt and accordingly ordered that hee shall have 200 acres of land betweene Kethes Creeke and another Creeke adjoining.

At this Court Zachary Cripps brought [in an] inventory of Edmond White deceased and delived [delivered] the same upp-on oath to bee a true and p^rfecte Inventory And for that it appeared to the Co^rt that the said Zachary had fully adm^str'd the estate of the said Edmond The Co^rt hath ordered that hee shall have his bond thereuppon delyvered to bee Cancelled and shall bee quite thereof.

A Court at James Citty the 23th of January A^o Dmi 1628.
present

Ca: ffrancis West Esqr Governo^r &c.
Doctor: Pott
Capt: Smyth.
M^r ffarrar.

At this Co^rt was reade a Letter of Attorney made from John Jeffers executor of the will
See Record fo. & testam^t of Nathaniell Jeffers deceased unto
142 John Cheeseman and Rowland Powell Mar-
144 chants wth Letter of Attorney was Confirmed
by a letter sent from the said John Jeffers
unto the servants of Nathaniell Jeffers And here likewise
shewed and reade, And for that it appeared by a note under
the hand of M^{rs} Bridgett Lowther that shee is willing to leave
upp the said servants and to bee accomptable unto M^r Powell
for their service If the Co^rt shall soe order the same, The Co^rt
taking the same into consideracon, have Confirmed the said
Letter of Attorney unto to said M^r Powell, and have ordered
that by vertue of the same M^r Powell shall have full power and
authority to receave and dispose of the said servants, and to call
M^{rs} Lowther to accompte for their service that is past, soe as
the said M^r Powell doe put in security to save the Co^rt harme-
less [and] to be accomptable for the said estate of the said

Nathaniell Jeffers If hereafter it shall appeare that there is a better or later authority (to the Co^t) then is conferrd uppon the said M^r Powell [by the said] Letter of Attorney.

Edward Mayhew Marchant sworne and exa'ied sayth that hee receive[d] a bill of wrights from Robte Marshall, but it was uppon noe other termes but that his brother M^r Thomas Mayhew should doe his endeavor to receive the same of the said wrights and if hee should receive it hee would bee accountable to Marshall therefore.

Uppon a Complaint of M^r Thomas Mayhewe ag^t Robt Marshall concerning the breaking upp and paying away of a hhde of tobaccoe wth M^r Edward Mayhewe packed upp and sealed for the acc^o of the said Thomas Mayhew It is ordered that the sd Marshall shall bee imprison[ed] till hee make satisfaccon.

A Court at James Citty the 24th [daie of] January A^o 1628.
p^rsent

Cap: ffrancis West Esq^r Governo^r
Doctor: Pott.
Capt: Smyth
M^r ffarrar.

At this Co^t for as much as Obedience Robins was arrested at the suit of Georg Medcalfe and hath appeared according to warrant and the said George Medcalfe neyther by himselfe or his Attorney came in to comence his suit against him the Co^t hath therefore ordered that the said George Medcalfe shall bee nonsuited and paie unto the said Obedience fifty pounds of tobaccoe for his damage.

It is ordered that Leift Waters shall delyver out of the estate of Capt: Wilcocks sixteene hundred pounds of tobaccoe unto M^r Edward Meyhew or his assignes for the use of M^r Nicholas Clements in parte of a debt due unto the said M^r Clements from the said Cap^t Wilcocks.

Examinacons taken before M^r Doctor Pott January the vith 1628.

John Gay aged about 22 yeares servant to Benjamin Jack-

son sworne and exa'ied sayth that on Newyeares day last about two or three of the Clock in the afternoon this exa'iate being mending of a pinte potte that was melted William Reade and John Burrowes came forth of this Exa'iats masters howse and sat down by him, and John Burrowes took upp a little peece of leade that lay by this exa'iate and begun to make it fitt for this exa'iats worke that he was about and uppon a sudden William Reade said unto John Burrowes oh. yo^a theefe Where-uppon Burrowes letting fall his knife uppon the ground said have I stole any thing from thee and wth all strooke Reade uppon the brest wth his fist then p'sently Reade stooping downe tooke upp the knife and therewth stabbed Burrowes into the belly below the Navell, and about an hower after this, Burrowes dyed.

William Reade aged as hee saith about 13 or 14 yeares being examined sayth that on New yeares daie last about 2 or three of the Clocke in the afternoone he the exa'ite and John Burrowes sitting together by John Gay as hee was mending a pint pott asked this ex'^a to lend him his knife, and this exa'ite said hee would not lende it him, then John Gay tooke this exa'iats knife from him by force and p'sently John Burrowes said to this ex'^a yo^a arrant Rogue woo't not lend thy knife to him whereuppon this ex' said to Burrowes what yo^a theefe, then Burrowes threw down his knife betwixt his leggs, and strooke this ex' uppon the brest wth his first, then this exa'iate tooke upp the knife and holding it in his hand Burrowes came in uppon this exa'iat and ran his belly [upon] the knife.

Hereuppon the said Reade was indited by the [name of] William Reade late of Blunt poynt wthin the Kingdome of Virginia labourer for that [on the] first daie of January in the fourth [yeare of the] raigne of our soveraigne Lord [by the] grace of god of England Scotland [ffrance] & Ireland King Defendor of the faith &c [betweene] the howers of 2 and 3 in the afternoone of the same day by force and armes, that is to say wth a Certaine Knife price two pence uppon one John Burrowes at the house of one Benjamin Jackson of Blunt poynt aforesaid in the peace of our soveraigne Lord the King beeing made an assault and [an] affray, and the said John Burrowes

then and there wth said knife feloniously did thrust & stabb into the belly giveing him the said John Burrowes a mortall wound of w^{ch} said wound the said John Burrowes wthin an hower after dyed And soe the [said] William Reade the said John Burrowes in manner and forme aforesaid feloniously did kill against the peace of our soveraigne Lord the King his Crowne and dignity.

Uppon w^{ch} Indictm^t the said Reade pleaded not guilty and for his triall put himselfe uppon the Country vizt.

Richard Kingsmill	William Harwood	John Osborne
John Southerne	Thomas Pasmore	Thomas Crump
Thomas Mayhew	Elmer Phillipps	John Jackson
Ingram ffurres	George Graner	John Bridges
Richard Taylor	John Johnson	

W^{ch} Jury being impanelled and sworne to inquire of the said Indictm^t delyvered upp there verdict, that the said Reade was guilty of Manslaughter whoe being asked what hee had to say for himselfe that he ought not to dy demanded his Clergy whereuppon hee was delyvered to the ordinary, &c.

A Co^{rt} at James Citty the 30th January 1628. p^rsent

Ca: ffrancis West Esqr Gourerno^r &c.
 Doctor Pott.
 Capt: Smyth,
 Capt: Mathewes.
 Mr. Secretary.
 Mr. ffarrar.

At this Co^{rt} were delyvered upp by Mr Southerne twelve bills (w^{ch} were Com^ritted unto him by William Greene) wth Mr Greenes Letter of Attorney to Richard Digges into the hands of William Barker by vertue of a letter of Attorney made by the said Greene unto William Barker

A Co^r at James Citty the last day of January 1628 p^rsent

Cap: ffrancis West Esq^r Gouverno^r &c.

Doctor Pott.

Capt: Smyth.

Capt: Mathewes.

Mr. Secretary.

Mr. ffarrar.

At this Co^r was taken into Consideracon the treaty of peace wth the Indians w^{ch} hath bin Continewed Since the beginning of August last And finding that uppon this treaty the people and planters of the Colony have growen secure and utterly neglected eyther to stand uppon their guard or to keepe their Arms fitt and ready about them to defend themselves upon any occasions wherein the treacherous Indians might attempte anything against us w^{ch} mischeifes are by noe meanes to bee p^rvented (the Condicon of our people being soe wretchedly negligent in this kinde) that neyther proclamacons nor other strict orders have remedied the same. And alsoe on the other side the Indians have beene extreemly false and altogether neglected the Condicons of the treaty and offered some Injuries in dyvers of our plantacons The Governo^r and Councell therefore uppon serious deliberacon concerning the same have thought fitt and are of opinion that in their Judgm^{ts} it is a safer Co^rse for the Colony in general to p^rvent a second Massacre utterly to proclayme and maintayne enmity and warres wth all the Indians of these partes. And doe thereuppon order that all the people and planters wth this Colony doe take notice that all the former treaties of peace be utterly extincte and dissanulled And that hereafter they doe strictly and p^rcisely stand upon their guard And that they doe keepe the Indians of from their plantacons w^{thout} any parly or Converse wth them But for the better safety of some of our weaker plantacons, and that all the Colony may have in the meane tyme intelligence of the proceedinges heerein It is thought Convenient that if it possible may bee they f[ail to?] shoote or kill any of them untill the 20th of feb[ruary] next But after that tyme to esteeme them utter Enemies and to take the best advantages they can against them.

The Governo^r and Councell resolving severely to punishe such as shall bee found faulty and delinquent in the Guard of themselves and plantations and doe not in all thinges payne toe observe and keepe all former Orders soe often reitterated and published to that purpose In his Ma^{ty} name strictly Chardging and requiring all Captaines and Comaunders w^{thin} the severall lymitts of their comaundes to see that noe persones or planters doe work w^{thout} sufficient force of men Constantly that none doe goe abroade w^{thout} sufficient p^{rties} and that especially they doe severely punishe such as shall goe from their plantacons or howses to other places w^{thout} their Armes about them.

At this Co^{rt} there was a com[']ission graunted unto M^r Secretary to goe to the Susquesahanos, And that none that shall have a Com[']ission to goe unto them[?] shall goe thither till the first of April next.

This daie Cap Michaell Marshart signifieing unto the Co^{rt} that according to the Com[']ission graunted him by the late generall assembly begun in March 1627 hee had now wth great costs and labour brought over in his Ship the London Marchant sixteene feild carriages for Ordinance, the chardges whereof amounts unto the summe of 260 [pounds] sterling as by the Acc^o by him delyvered unto the Co^{rt} wth goode certificate doth appeare The Governo^r and Councell having taken this matter into consideracon and deeming it unfitt that the disbursem^{ts} of these Carriadges being of such necessity and importance to this Colony should wholly light uppon the said M^r Marshart to his greate losse and damage and to the further discouragm^t of himselfe and others in being imployed to advance this Countries affaires have ordered and concluded according to the said generall Assemblies former agreem^t that there bee this yeare a Levy throughout the Colony of 3^l of tobaccoe ¶ poll for every p^{rs}on paying tythes to the minister And for that there doe arise some other necessary chardges, and that it is probably Conceaved that most mens tobaccoe are out of their hands before the publishing hereof it is further ordered that such as shall make defaulte in the paym^t of the said 3^l of tobaccoe ¶ poll this yeare shall the next yeare paie 4^l.

A Court at Eliz: Citty the 9th of ffebruary 1628. p^rsent

Cap: ffrancis West Esq^r Governo^r &c.

Doctor Pott

Capt: Smyth

M^r Secretary.

At this Co^rt was proved the will of John Bainham deceased by the oathes of Rowland Graine [?] Minister and Jaques Pastall Planter, and that the said John Bainham was in p^rfect sense and memory at the making thereof.

Alsoe at the same tyme M^r Robte Sweete brought in the Inventory of the said John Bainhams estate & desired to renounce the execut^rshipp of that estate whereuppon a letter of adm^rstracon was graunted unto Elizabeth Bainham the widdow and relicte of the said John Bainham.

John Wheeler aged 19 yeares exa^ried sayth that hee knoweth that the bill produced in Court bearing date 14th of June 1628 signed and sealed [by] M^r Wheeler unto Robte Newman for 340^{li} of tobaccoe was given in consideracon of two sowes and ten piggs bought by the said M^r Wheeler.

M^r William Stone brought into the Co^rt a bill of M^r Richard Wheelers under his hand and seale for one hundred thirty and one pounds of tobacco.

Daniell Cugly sworne and exa^ried sayth that about May last past Rich: Wheeler came into this exa^riats howse and brought a bundell of stocken wth him laying them uppon the table and M^r Rastell being p^rsent demaunded where hee had them, M^r Wheeler answered I bought them of M^r Stone, whereuppon M^r Rastell replied it is well it is a thing wee want on the other side

Leift Edward Waters sworne and exa^ried sayth [that] the Inventory of Cap: Crotias [Croshaw?] estate now brought into this Co^rt by the Governo^r whereunto this depon^t hand is sett is the true Inventory of the said Cap: Crotias And that the said Inventory was taken by him this dep^t and John Bainham deceased

At this Co^rt the Governo^r signified to the table that whereas hee had taken into his hands the servants of Mr Rastell de-

ceased and is to make satisfaccon for them as farr as it shall be judged they are worth, and being now to take his voyage for England, hee Condiconeth and agreeth wth the Co^{rt} on the behalfe of Mr Thomas Rastell of London Marchant, That if hee the said Thomas Rastell doe not consent and agree to the sale of the men to haue them put of, that then they shall bee surrendered againe the next yeare after the Cropp, and satisfaccon made for their Labo^r this yeare.

A Co^{rt} at Eliz Citty the 10th ffeb[ruary] 1628. present

Cap: ffro: West Esq^r Governo^r &c.

Doctor Pott.

Capt: Smyth

Capt: Mathewes.

Mr. Clayborne.

The controversie betweene M^{rs} Rastell Pollantine and Mr John Moone came into question.

Mr Moone uppon his oath dd [delivered] into the Court that the whole Cropp of tobaccoe that his owne servants and M^{rs} Pallantines tended this yeare came to 10652^l.

Mr Thomas Burges testified to the Co^{rt} that hee never gave authoritye power or Consent unto Mr Moone for the removing and replanting of the servants of M^{rs} Pollantine or for the doeing of many other matters concerning her estate.

At this Co^{rt} Mr Moone agreed to give, and Mrs Pollantine consented to accept of 3200^l of Tobacco for her servants labor this yeare and that she shall have halfe of the Cropp of the corne . . . and Mr Moone to make it up 29 barrells of Corne if it be wanting of that quantity.

It was also further agreed that M^{rs} Pollantine should have the dwelling howse shee now lyves in and the tobaccoe howse w^{ch} standeth by the same and halfe the grounde that is cleered w^{ch} is to bee devided by the Judgm^t of three indifferent men and further M^{rs} Pollantine is to graunte Mr Moone a lease of the other halfe of the grounde and the howses thereuppon for three yeeres and that hee shall have leave to Cleere as much

more ground as hee and his servants shall have n[eed] of And
M^r Pollantine in lieu of the said tobacco howse is to paie to
Mr Moone this Cropp one thousand weight of tobacco

At this Co^t was graunted a Com'ission of adm'str unto
Leonard Peddocke, Marchant uppon the estate of John Beard
late deceased at Accawmacke

Uppon y^e pet. of It is ordered that M^r Waters do de-
Mr Rayner this lyver upp the estate of Thomas Hunter
order was al- deceased into the hands Richard Cock the
tored. See Co: 2 Attorney of Patrick Canada

Mar: 1628 At this Co^t was a peticone p^rferred
against the Governo^r by John Bridges Attorney for the M^rch-
ants adventurers of the estate of Mr John Haier deceased
Whereuppon in fine the said Bridges accepted to take of the
Governo^r three thousand weight of tobacco to bee paid wthin
three daies and to have the remainder of that estate to bee
paid next yeare for security whereof the Governo^r acknow-
ledged his whole estate to bee lyable to make satisfaccon.

A Co^t at Eliz: Citty the 11th f[february] 1628. p^rsent

Ca: ffra: West Esq^r Governo^r &c.

Doctor: Pott.

Capt: Smyth.

Capt: Mathewes.

Mr: Secretary.

At this Co^t was peticoned that the Governo^r should give
into the Co^t an account of the estate belonging unto the Chil-
dren and Orphants of S^r Georg Yeardley deceased, therefore
the Councell required of the Governo^r that hee would give in
security for the estate of those Children, and that hee should
bee accountable for the same in England unto the p^rrogative
Co^t or to those of their kindred to whom this may app^rteyne

The Governo^r made answer that hee conceived that the Co^t
had nothing to doe to require anything from him and therefore
hee would not delyver in an acc^o of the Childrens estate neyther
give in bond to the Co^t to bee any waie accountable for the

same, but will bee ready to bee accountable to them that have power and authority to Call him thereunto in England

At this Co^t was held a long and serious deliberacon concerning Mr Humfry Rastells estate and in fine it was thought fitt, that whereas the Governo^r hath formerly taken the servants into his hands and given order Concerning the manadging of such matters as have beene requisite or needfull to bee done in like manner the whole estate to bee left unto him that hee may bee accomptable for the same unto Mr Thomas Rastell or those to whome it shall belong as having the best intelligence and knowledg thereof, and the rest of the Councell for the most p^rte knowing nothing of the p^rceedinges

And the Governo^r did then in Co^t binde himselfe to bee accomptable for the same estate when it should bee lawfully demaunded of him.

The Governo^r did now in Co^t give full power and authority unto Mr Doctor Pott and his brother Capt John West as his Attorneys that they should give full satisfacon unto John Bridges for all the accounts belonging unto the estate of Mr Hayes deceased.

Serjeant Gyles Jones sworne and exam'd sayth that Capt: Wilcocks did agree wth John Walton to give and paie 325¹¹ of tobaccoe for to Carry his goods, for the transporting of his goods and servants to his plantacon at Accawmacke.

A Co^t at James Citty the second daie of March 1628. p^rsent

Doctor Pott.

Capt: Smyth.

Capt: Mathewes.

Mr: Secretary.

Mr Richard Bennett on the behalfe of his unkle Mr. Edward Bennett bound himselfe to delyver unto Cap: Martiau one man servant wthin the ages of 15 and 25 yeares, wthin foreteene daies.

Whereas there hath bin heretofore a letter of admstracon graunted unto Mr Edward Waters uppon the estate of Thomas

Hunter deceased And whereas there hath appeared to this Co^t a great Contrariety and difference in Conveyances L^res and other writings under the hand of Cecily Hunter his late wife concerning [the] disposing thereof, the Co^t hath thought fitt that the estate of the said Hunter shall [remain] in the hands of Mr Waters till it shall more cleerely appeare to whome the same doth belong.

Mr Gilbert Blight did acquit and release David [?] Dixon of and from all debts dues and demaunds whatsoever from the beginning of the world to this p^rsent daie

At this Co^t was brought in the will of Abraham Porter and proved to bee his last will and testam^t uppon the oathes of Elmer Phillipps and Thomas Crumpe, and that hee was in p^rfect sence and memory at the publication thereof.

Uppon the testimony of Cap: Roger Smyth and Mr. Secretary that Cap: William Peirce being overseer to Abraham Porters Will and estate, had assigned and put over the same and all his right therein unto John Jackson, Gunsmyth, the Co^t hath thought fitt that the said Jackson shall have the oversight of the same accordingly and a Comiss: of Adm^rstracon is graunted unto him theruppon.

Steven Barker of Neckofland [Neck of Land] sworne and exaⁱied sayth that not long before the death of Abraham Porter hee being in Company wth the said Porter and having some Conference wth him concerning 500^l of tobacco wth John Rodis did owe unto the said Porter the said Porter tould this depon^t that if it shall please god to call mee Rodis shall bee the better for mee the said 500^l tobaccoe.

Edward Wigg sworne and exaⁱied saith that about August last Abraham Porter being sicke hee this depon^t came unto the howse of the said Porter and asked him how hee did who answered I am reasonable well I thanke god afterward this depon^t tould the said Porter yo^r should doe well to remember John Rodis, whereunto hee answered If I had dyed I would have given him what hee owes mee or if I doe dy before I have security for it I will give it him.

Uppon the Comp^t of John Jackson against Edward Wigg

for taking awaie his Canoe wthout his leave the Co^t hath there-uppon ordered that the said Wigge shall paie to the said Jackson forty pounds of tobaccoe for his damages.

At this Co^t uppon the Comp^t of Mr Mynnard Late Minister of Martins hundred against the p^rishioners there for deteyning from him his tythes uppon full Consideracon therein taken the Co^t hath Concluded and soe ordered that the sd p^rishioners shall paie the said Minister his tythes . . . Notwthstanding their agreem^t wth Mr Ly . . . now minister

At this Co^t Robte Wright was Com^ritted prisoner at the suit of ffrancis ffowler for 200^l of tobaccoe recovered of him.

Robte Wright and Robte Hutchenson were Com^ritted prisoners at the suit of Robte Marshall for 272^l of tobaccoe recovered of them.

Robte Hutchenson was Comitted prisone rat the suit Edward Wigg for tobaccoe.

A Comission of adm^rstracon was graunted unto Thomas Rodricke uppon the estate of fflewellen John.

A Co^t at James Citty the third daie of March A^o 1628.
p^rsent

Doctor: Pott.
Capt: Smyth.
Capt: Mathewes.
Mr. Secretary.
M^r ffarrar.

It is ordered that John Inman, Surgeon, In Reguard hee came over wth the servants of Mr Edw: Bennett (as himselfe Confesseth) who paie for his passage shall remaine and serve uppon the Plantacon of the said Mr Edw: Bennett untill hee can p^rcure testimony out of England to free himselfe.

A Comission of Adm^rstracon was graunted unto Bartholomew Wethersby uppon the estate of Thoms Godby

It is ordered that the goods of George Shorton shall be sould at an outcry by the appoynm^t of Ensigne Thomas Willoughby and bills shall bee taken for the paym^t of such tobaccoes as

shall arise thereof, and the said bills to bee delyvered unto such as shall have the administraction thereof or to those to whome they shall otherwise belonge.

At this Co^t Mr William ffarrar made over unto William Andrewes and his heires and assignes forever the right of one hundred acres of land due by the transportacon of Robte Owles and John Holmes who came in the Shipp the Southampton 1622 The said one hundred acres by the Co^t being graunted unto to the said Andrewes and scituated on the Easterne Shore abutting Northerly uppon Cap: William Epes his land and thence extending Sutherly 50 pole towards the pursimon ponds westerly uppon the maine bay and Easterly wth that breadth stretching into the maine woods.

A Court at James Citty ——— daie of ——— 1628 present

Ca: ffrancis: West Esq^r

Capt: Smyth.

M^r Secretary.

At this Court was shewed a letter of Attorney from Anne Moseley of London, Widdow, made unto ffrancis Baldwin and M^r Edward Grindon touching the estate of John Moseley her late husband deceased And for that M^r Grindon refused to have anything to doe therein, The letter of Attorney being made joyntly and severally to them both And for that the hand of John Moseley oldest sonne of the deceased is subscribed as a witnes to the same. The Court hath graunted to the said ffrancis Baldwin according to his request that hee receave all the debtes of tobaccoe and goods of the said John Moseley due from Captaine Roger Smyth Esq^r to whome they have beene formerly com'itted And that hee doe give the Co^t security to save them harmelesse concerning the same.

(To be continued.)